

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CRAIG ADAMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:19-cv-00093
)	
CITY OF KANSAS CITY, MISSOURI,)	
)	
Defendant.)	

**THE CITY’S MOTION TO CERTIFY SUMMARY JUDGMENT ORDER
FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(B)**

The City of Kansas City, Missouri (“City”) respectfully requests that this Court certify its September 29, 2021 Order and Opinion, Doc. 570 (“Order”) for interlocutory appeal under 28 U.S.C. § 1292(b). Certification is proper because the Order “involves a controlling question of law as to which there is substantial ground for difference of opinion” such that “an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). Specifically, the Order should be certified so the appellate court can review the questions (1) whether the City’s calculation of overtime rates with respect to certain “wage augments” violates the FLSA, and (2) whether the City properly applies 29 C.F.R. § 778.114’s “fluctuating workweek method” of calculating overtime, both of which go to the very foundation of Plaintiffs’ claims. In support of this Motion, the City incorporates by reference its Suggestions in Support, filed concurrently with this Motion.

WHEREFORE the City respectfully requests that this Court certify its Order for immediate interlocutory appeal under 28 U.S.C. § 1292(b).

Dated: December 1, 2021

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/ Amanda E. Colvin

Amanda E. Colvin, MO # 61763

Barbara A. Smith, MO # 66237

Steven J. Alagna, MO # 68980

One Metropolitan Square

211 North Broadway, Suite 3600

St. Louis, MO 63102-2726

Telephone: +1 314 259 2000

Facsimile: +1 314 259 2020

amanda.colvin@bclplaw.com

barbara.smith@bclplaw.com

steven.alagna@bclplaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned counsel certifies that this document has been served on all counsel of record via the Court's electronic filing system this 1st day of December, 2021.

/s/ Amanda E. Colvin

Amanda E. Colvin

Barbara A. Smith

Steven J. Alagna